

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

City of Port Isabel, <i>et al.</i> ,)	
Petitioners,)	
)	
v.)	Nos. 23-1174, 23-1221,
)	23-1175, 23-1222
Federal Energy Regulatory)	
Commission,)	
Respondent.)	

**MOTION OF RESPONDENT FEDERAL
ENERGY REGULATORY COMMISSION FOR A 30-DAY
EXTENSION OF DEADLINE TO RESPOND TO
PETITIONS FOR REHEARING**

Respondent Federal Energy Regulatory Commission moves for a 30-day extension of the current deadline to respond to the three petitions for rehearing *en banc* filed in the above-captioned actions. With the requested 30-day extension of time, responses from the Commission and petitioners to the three petitions would be due on December 9, 2024. Through this motion, the Commission is seeking the same 30-day extension granted to intervenors to file their petitions for rehearing, and the same 30-day extension recently granted to environmental petitioners to file their response to the petition for rehearing in *New Jersey Conservation Foundation v. FERC*, Nos. 23-1064, *et al.*

Intervenors Rio Grande LNG, Rio Bravo, and Texas LNG consent to this motion. Petitioners have advised that they take no position.

1. On August 6, 2024, the Court issued its opinion in *City of Port Isabel v. FERC*, Case Nos. 23-1174, *et al.* and 23-1175, *et al.*, which addressed challenges to the Commission's authorization of two liquefied natural gas export facilities (the Rio Grande LNG facility and the Texas LNG facility), and the Rio Bravo pipeline that would carry natural gas to the Rio Grande LNG facility. The Court granted the petitions for review in part and vacated the Commission's authorizations.

2. On September 10, 2024, the Court granted the motions of Intervenors Rio Grande LNG, Rio Bravo, and Texas LNG for a 30-day extension of the time to file petitions for rehearing of the Court's decision. *See* ECF No. 2074126 (Case No. 23-1174), ECF No. 2074129 (Case No. 23-1175).

3. On October 21, 2024, Rio Grande LNG, Rio Bravo, and Texas LNG filed three separate petitions for rehearing.

4. On October 23, 2024, the Court ordered the Commission and petitioners to file responses to the petitions within 15 days, *i.e.*, by November 7, 2024. *See* ECF No. 2081581 (Case No. 23-1174), ECF No.

2081451 (Case No. 23-1175).

5. The requested 30-day extension will allow the Commission additional time to review the three separate petitions and coordinate its response to avoid redundant filings.

6. In addition, the Commission understands that numerous groups intend to submit amicus briefs regarding the issues raised in the three petitions for rehearing. Extending the deadline to respond to the petitions would allow the Commission time to consider those briefs before filing its response.

7. In addition, the extension will also help accommodate counsel's preexisting professional commitments in other matters. For instance, Commission counsel will be presenting oral argument in *Industrial Energy Consumers v. FERC*, D.C. Cir. No. 23-1334, on November 14, 2024. Counsel is also responsible for the Commission's brief in *Michigan Electric Transmission Company, LLC v. FERC*, D.C. Cir. Nos. 24-1039, *et al.*, due on November 19, 2024.

8. The requested 30-day extension is identical to the extension recently granted by the Court for responses to the rehearing petition filed in *New Jersey Conservation Foundation v. FERC*, Nos. 23-1064, *et*

al. See ECF No. 2076295.

CONCLUSION

For the forgoing reasons, this Court should grant the requested 30-day extension of time (to and including December 9, 2024) to respond to the petitions for rehearing filed in Case No. 23-1174, *et al.* and No. 23-1175, *et al.*

Respectfully submitted,

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October 28, 2024

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I certify that this filing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(C) because it contains 524 words, excluding the parts exempted by Fed. R. App. P. 32(f).

I further certify that this filing complies with the type-face requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this filing has been prepared in Century Schoolbook 14-point font using Microsoft Word 2010.

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October 28, 2024

CERTIFICATE OF SERVICE

I hereby certify that, on October 28, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert M. Kennedy
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